THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF GEORGIA MACON DIVISION

SABRINA W. JACKSON, :

.

Plaintiff, :

: Civil Action

v. : No. 5:07-cv-351 (CAR)

:

GEORGIA DEPARTMENT OF HUMAN RESOURCES/DIVISION OF FAMILY AND CHILDREN SERVICES,

:

Defendant.

ORDER ON MOTION TO DISMISS

Pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, Defendant Georgia Department of Human Resources/Division of Family and Children Services has moved the Court to dismiss Plaintiff's claims on the grounds that they are untimely. Because the Complaint on its face shows that the suit was filed outside the relevant limitations period, Defendant's Motion to Dismiss (Doc. 5) is hereby **GRANTED**.

In her Complaint, Plaintiff brings claims of racial discrimination pursuant to Title VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000e, *et seq.*). Title VII requires a plaintiff to bring suit within ninety (90) days of receipt of a notice of right to sue from the Equal Employment Opportunity Commission. 42 U.S. C. § 2000e-5(f)(1). In her Complaint, Plaintiff pleads that she received her notice of right to sue on June 11, 2007. She filed the present suit on September 11, 2007, ninety-two (92) days after receiving her notice of right to sue. Plaintiff has not presented any grounds for equitable tolling of the limitations period, but indicates in her Response (Doc. 7) that her failure to

file a timely Complaint was due to a miscalculation on her part. Though her mistake was unfortunate, it does not constitute grounds to allow an untimely action. See Baldwin County Welcome Center v. Brown, 466 U.S. 147, 151-52 (1984). ("Procedural requirements established by Congress for gaining access to the federal courts are not to be disregarded by courts out of a vague sympathy for particular litigants").

Accordingly, the Clerk of Court is directed to dismiss this case, with prejudice.

SO ORDERED this 15th day of May, 2008.

S/ C. Ashley RoyalC. ASHLEY ROYALUnited States District Judge

chw